

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 13**

**STARBUCKS CORPORATION**

**and**

**Cases 13-CA-296145  
13-CA-296221  
13-CA-296225  
13-CA-301495**

**WORKERS UNITED AFFILIATED  
WITH THE SERVICE EMPLOYEES  
INTERNATIONAL UNION (SEIU)**

**THIRD AMENDED CONSOLIDATED COMPLAINT**

Workers United Affiliated with the Service Employees International Union (SEIU) (Charging Party or Union) has charged in Cases 13-CA-296145, 13-CA-296221, 13-CA-296225, and 13-CA-301495 that Starbucks Corporation (Respondent) has been engaging in unfair labor practices as set forth in the National Labor Relations Act, 29 U.S.C. Section 151 et seq.

The General Counsel, by the undersigned, pursuant to 10(b) of the Act and Section 102.17 of the Rules and Regulations of the National Labor Relations Board, issues this Third Amended Consolidated Complaint, and alleges as follows:

**I**

(a) The charge in 13-CA-296145 was filed by the Charging Party on May 20, 2022, and a copy was served on Respondent by U.S. mail on May 20, 2022.

(b) The first amended charge in 13-CA-296145 was filed by the Charging Party on June 2, 2022, and a copy was served on Respondent by U.S. mail on June 2, 2022.

(c) The second amended charge in 13-CA-296145 was filed by the Charging Party on July 18, 2022, and a copy was served on Respondent by U.S. mail on July 18, 2022.

(d) The charge in case 13-CA-296221 was filed by the Charging Party on May 20, 2022, and a copy was served on Respondent by U.S. mail on May 23, 2022.

(e) The first amended charge in case 13-CA-296221 was filed by the Charging Party on July 20, 2022, and a copy was served on Respondent by U.S. mail on July 22, 2022.

(f) The charge in case 13-CA-296225 was filed by the Charging Party on May 20, 2022, and a copy was served on Respondent by U.S. mail on May 23, 2022.

(g) The first amended charge in case 13-CA-296225 was filed by the Charging Party on July 20, 2022, and a copy was served on Respondent by U.S. mail on July 22, 2022.

(h) The charge in case 13-CA-301495 was filed by the Charging Party on August 17, 2022, and a copy was served on Respondent by U.S. mail on August 17, 2022.

(i) The first amended charge in 13-CA-301495 was filed by the Charging Party on September 19, 2022, and a copy was served on Respondent by U.S. mail on September 21, 2022.

(j) The second amended charge in 13-CA-301495 was filed by the Charging Party on November 16, 2022, and a copy was served on Respondent by U.S. mail on November 16, 2022.

## II

(a) At all material times, Respondent has been a Washington corporation with headquarters in Seattle, Washington, and facilities located throughout the United States, including facilities located at 1174 East 55<sup>th</sup> Street, Chicago, Illinois 60615 ("Respondent's 1174 East 55<sup>th</sup> Street facility"), 2543 N. California Ave., Chicago, Illinois (Respondent's 2543 N. California facility), and 1070 W. Bryn Mawr Ave., Chicago, Illinois (Respondent's 1070 W. Bryn Mawr facility), and has been engaged in retail sale of food and beverages.

(b) During the preceding twelve months, a representative period, Respondent, in conducting its business operations as described above in paragraph II (a), derived gross revenues in excess of \$500,000 and purchased and received goods valued in excess of \$5,000 directly from points outside the State of Illinois.

(c) At all material times, Respondent has been an employer engaged in commerce within the meaning of Section 2(2), (6) and (7) of the Act.

## III

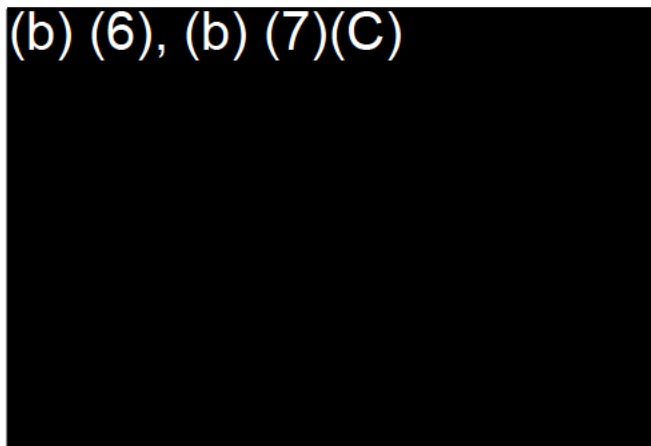
At all material times, the Charging Party Union been a labor organization within the meaning of Section 2(5) of the Act.

## IV

At all material times, the following individuals held the position set forth opposite their respective names and have been supervisors of Respondent within the meaning of Section 2(11) of the act and agents of Respondent within the meaning of Section 2(13) of the Act:

**(b) (6), (b) (7)(C)**

(b) (6), (b) (7)(C)



V

(a) About late January of 2022, Respondent, by (b) (6), (b) (7)(C) at Respondent's 1174 East 55<sup>th</sup> Street facility, threatened to change employees' working conditions.

(b) About February 16, 2022, and early-May of 2022, at Respondent's 1174 East 55<sup>th</sup> Street facility, Respondent held individual mandatory meetings for its employees during their working time to listen to Respondent's unsolicited views on union activity and/or protected concerted activity.

(c) About February 16, 2022, Respondent, by (b) (6), (b) (7)(C), at a mandatory meeting described above in paragraph V(b), threatened to change the Respondent's work procedures.

(d) About February 2022, Respondent, by (b) (6), (b) (7)(C), at Respondent's 2543 N. California facility, interfered with employees Section 7 rights by informing employees that they are not allowed to wear items of clothing, including but not limited to facial masks, in support of the Union.

(e) About April 26, 2022, Respondent, by (b) (6), (b) (7)(C), at Respondent's 2543 N. California facility, interfered with employees Section 7 rights by informing employees that they are not allowed to wear items of clothing, including but not limited to t-shirts, in support of the Union.

(f) About early May 2022, Respondent, by (b) (6), (b) (7)(C) at a mandatory meeting described above in paragraph V(b), impliedly threatened employees with loss of benefits.

(g) About May 10, 2022, Respondent, by (b) (6), (b) (7)(C), at Respondent's 1070 W. Bryn Mawr facility:

- (i) Threatened employees with loss of benefits for engaging in union and/or protected concerted activities;

- (ii) Threatened employees with loss of a wage increase for engaging in union and/or protected concerted activities;
- (iii) Interrogated employees about their union membership, activities, and sympathies;
- (iv) Informed employees that it would be futile for them to select the Charging Party as their bargaining representative.

(h) About May 16, 2022, Respondent, by (b) (6), (b) (7)(C), at Respondent's 1174 East 55<sup>th</sup> Street facility:

- (i) Threatened employees with a reduction in pay;
- (ii) Threatened employees with stricter enforcement of rules and regulations;
- (iii) Threatened to change employees' working conditions.

(i) About May 28, 2022, Respondent, by (b) (6), (b) (7)(C) at Respondent's 1174 East 55<sup>th</sup> Street facility, interfered with employees protected, concerted activities by telling them not to discuss possible exposure to COVID.

(j) About August 11, 2022, Respondent, by (b) (6), (b) (7)(C), at Respondent's 1174 East 55<sup>th</sup> Street facility, interfered with employees Section 7 rights by informing employees that they couldn't discuss the Union during working hours.

## VI

(a) About (b) (6), (b) (7)(C) 2022, Respondent discharged its employee (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

(b) The conduct described above in paragraph VI(a) is inherently destructive of the rights guaranteed employees by Section 7 of the Act.

(c) Respondent engaged in the conduct described above in paragraph VI(a) because employees attempted to form, formed, joined, and/or assisted the Union and engaged in concerted activities, and to discourage employees from engaging in these activities.

## VII

(a) About (b) (6), (b) (7)(C) 2022, Respondent issued a written warning to employee (b) (6), (b) (7)(C)

(b) About (b) (6), (b) (7)(C) 2022, Respondent issued a final written warning to employee (b) (6), (b) (7)(C)



(c) About (b) (6), (b) (7)(C) 2022, Respondent discharged (b) (6), (b) (7)(C)

(d) Respondent engaged in the conduct described above in paragraphs VII(a)-(c) because the named employee of Respondent gave testimony to the Board at a representation hearing.

## VIII

(a) The following employees of Respondent (the Unit) constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

Included: All full-time and regular part-time baristas, shift supervisors, and café attendants employed by the Employer at its Store #2827 currently located at 1174 E 55th St, Chicago, Illinois 60615.

Excluded: All office clerical employees, store managers, assistant store managers, professional employees, guards, and supervisors, as defined in the Act.

(b) On June 7, 2022, a representation election was conducted among the employees in the Unit and a majority of the Unit selected the Union as its exclusive collective-bargaining representative.

(c) On June 29, 2022, the Union was certified as the exclusive collective-bargaining representative of the Unit.

(d) At all times since June 7, 2022, based on Section 9(a) of the Act, the Union has been the exclusive collective-bargaining representative of the Unit.

## IX

(a) About June-July of 2022, Respondent unilaterally and without notifying or bargaining with the Union, changed the store hours at Respondent's 1174 East 55<sup>th</sup> Street facility.

(b) Since about June-July of 2022, and continuously thereafter, Respondent has failed and refused to bargain collectively and in good faith about the subject set forth in paragraph IX(a).

(c) The subject set forth above in paragraph IX(a) relates to the wages, hours, and other terms and conditions of employment of the Unit and is a mandatory subject for the purposes of collective bargaining.

## X

(a) By the conduct described above in paragraphs V, Respondent has been

interfering with, restraining and coercing employees in the exercise of the rights guaranteed in Section 7 of the Act in violation of Section 8(a)(1) of the Act.

(b) By the conduct described above in paragraph VI, Respondent has been discriminating in regard to the hire or tenure or terms or conditions of employment of its employees, thereby discouraging membership in a labor organization in violation of Section 8(a)(1) and (3) of the Act.

(c) By the conduct described above in paragraph VII, Respondent has been discriminating against employees for filing charges or giving testimony under the Act in violation of Section 8(a)(1) and (4) of the Act.

(d) By its overall conduct, including the conduct described in paragraph IX, Respondent has failed and refused to bargain in good faith with the Union as the exclusive collective-bargaining representative of the unit, in violation of Section 8(a)(1) and (5) of the Act.

(e) The unfair labor practices of Respondent described above affect commerce within the meaning of Section 2(6) and (7) of the Act.

#### REMEDY

WHEREFORE, as part of the remedy for the unfair labor practices alleged above in paragraphs V through IX, the General Counsel seeks an Order requiring Respondent to hold a meeting or meetings with Respondent's employees, scheduled to ensure the widest possible attendance on each shift, at which a responsible management official of the Respondent will read the Notice in English to employees on work time in the presence of a Board Agent and one representative from the Union. The General Counsel further seeks an Order requiring Respondent to write a letter of apology to (b) (6), (b) (7)(C) [REDACTED]. The General Counsel further seeks all relief as may be just and proper to remedy the unfair labor practices alleged.

WHEREFORE, as part of the remedy for Respondent's unfair labor practices alleged above in paragraph IX, the General Counsel seeks a broad Order requiring Respondent to cease and desist from violating Section 8(a)(5) and (1) of the Act in any manner and requiring that Respondent bargain with the Union over the Respondent's changes to the store hours at Respondent's 1174 East 55<sup>th</sup> Street facility.

The General Counsel further seeks all other relief as may be just and proper to remedy the unfair labor practices alleged.

#### ANSWER REQUIREMENT

Respondent is notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the complaint. The answer must be **received by this office on or before January 27, 2023, or postmarked on or before January 26, 2023,** Respondent also must serve a copy of the answer on each of the other parties.

The answer must be filed electronically through the Agency's website. To file electronically, go to [www.nlr.gov](http://www.nlr.gov), click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions. Responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See Section 102.21. If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the electronic version of an answer to a complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature continue to be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing. Service of the answer on each of the other parties must still be accomplished by means allowed under the Board's Rules and Regulations. The answer may not be filed by facsimile transmission. If no answer is filed, or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the complaint are true.

Dated at Chicago, Illinois this 13<sup>th</sup> day of January 2023.

/s/ **Angie Cowan Hamada**

Angie Cowan Hamada  
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Attachments

UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD  
**NOTICE**

Case 13-CA-301495, et al

The issuance of the notice of formal hearing in this case does not mean that the matter cannot be disposed of by agreement of the parties. On the contrary, it is the policy of this office to encourage voluntary adjustments. The examiner or attorney assigned to the case will be pleased to receive and to act promptly upon your suggestions or comments to this end.

An agreement between the parties, approved by the Regional Director, would serve to cancel the hearing. However, unless otherwise specifically ordered, the hearing will be held at the date, hour, and place indicated. Postponements ***will not be granted*** unless good and sufficient grounds are shown ***and*** the following requirements are met:

- (1) The request must be in writing. An original and two copies must be filed with the Regional Director when appropriate under 29 CFR 102.16(a) or with the Division of Judges when appropriate under 29 CFR 102.16(b).
- (2) Grounds must be set forth in ***detail***;
- (3) Alternative dates for any rescheduled hearing must be given;
- (4) The positions of all other parties must be ascertained in advance by the requesting party and set forth in the request; and
- (5) Copies must be simultaneously served on all other parties (listed below), and that fact must be noted on the request.

Except under the most extreme conditions, no request for postponement will be granted during the three days immediately preceding the date of hearing.

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